

ORRICK, HERRINGTON & SUTCLIFFE LLP
DOUGLAS H. MEAL (*admitted pro hac vice*)
dmeal@orrick.com
MATTHEW D. LABRIE (*admitted pro hac vice*)
mlabrie@orrick.com
REBECCA HARLOW (CA BAR NO. 281931)
rharlow@orrick.com
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

Atorneys for Defendant
ZOOSK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUAN FLORES-MENDEZ, an individual and
TRACEY GREENAMYER, an individual, and
on behalf of classes of similarly situated
individuals,

Plaintiffs.

V.

ZOOSK, INC., a Delaware corporation,

Defendant

Case No. 3:20-cv-4929-WHA

**DECLARATION OF CONSTANTIN
GARCEV IN SUPPORT OF
DEFENDANT ZOOSK, INC.'S
OPPOSITION TO PLAINTIFF TRACY
GREENAMYER'S MOTION FOR
CLASS CERTIFICATION**

Judge: The Honorable William Alsup

1 I, Constantin Garcev, hereby declare, under penalty of perjury, that the following statements
2 are true and correct:

3 1. I have been the Director of Infrastructure and Site Reliability Engineering for Spark
4 Networks Services GmbH since April 1, 2021. From October 1, 2020 until April 1, 2021, I was
5 the Head of Developer Experience, and before that, I was the Team Lead DevOps since March 1,
6 2019. As part of my role, I oversee Zoosk, Inc.’s (“Zoosk”) strategic DevOps activities.

7 2. I submit this declaration in support of Zoosk, Inc.’s (“Zoosk”) Opposition to
8 Plaintiffs’ Motion for Class Certification.

9 3. I make this declaration on the basis of my personal knowledge of the facts set forth
10 herein, which knowledge obtained in the course of my employment by Spark either directly or by
11 and through agents, representative, and service providers of Zoosk.

12 4. I understand that Plaintiff Tracy Greenamyer’s (“Plaintiff”) has alleged that Zoosk
13 must implement various “security controls” in order “to protect class members’ PII in the future.”
14 Having reviewed the proposed controls as outlined in Plaintiff’s Motion for Class Certification
15 (“Motion” at 16), I believe that none of the proposed controls would improve Zoosk’s current
16 security posture with respect to Zoosk’s AWS production account (i.e. the portion of the Zoosk
17 environment that contained the data targeted in January 2020 by unauthorized actors (the
18 “Intrusion”)) or result in better protection of putative class members’ PII located in that account
19 because either (a) these controls are already in place with respect to Zoosk’s AWS production
20 account; (b) Zoosk has alternative controls in place with respect to Zoosk’s AWS production
21 account that already achieve the same goal; or (c) even if implemented, the proposed controls
22 would have no effect on Zoosk’s security posture with respect to Zoosk’s AWS production
23 account.

24 5. All of the Zoosk controls detailed herein are intended to protect Zoosk’s AWS
25 production account.

26 6. First, I understand that Plaintiff suggests “[e]ngaging third-party security
27 auditors/penetration testers as well as internal security personnel to conduct testing, including

1 simulated attacks, penetration tests, and audits on Zoosk's systems on a periodic basis; to run
2 automated security monitoring and to audit, test, and train Zoosk security personnel regarding any
3 new or modified procedures.”¹ Such controls are already in place. [REDACTED]

17 7. Second, I understand that Plaintiff suggests “[o]rdering Zoosk to promptly correct
18 any problems or issues detected by such third-party security auditors.” Motion at 16. This control
19 is already in place. [REDACTED]

22 8. Third, I understand that Plaintiff suggests “[o]rdering mandatory 3rd party Intrusion
23 response and forensic investigation of infiltration, not just exfiltration.” (Motion at 16). This
24 proposed control does not specify as to when exactly third-party intrusion response and forensic
25 investigation should be required, so it is impossible to conclude definitively whether or not this

27 ¹ Plaintiff has broken out this proposed security control into two separate bullets (*see* bullets 1 and 3 on page 16 of
Plaintiff’s Motion). Because these two proposed security controls overlap, I consider them together.

1 control is in place. However, Zoosk's Security Incident Response Plan ("SIRP")
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] Attached hereto as **Exhibit A** is a true and correct
10 copy of the SIRP bearing bates numbers ZOOSK00000349-ZOOSK00000377.
11 9. Fourth, I understand Plaintiffs suggest "[a]utomating AWS Access Key rotation and
12 placing them on an industry standard schedule." Motion at 16. This control is already in process
13 of being put in place by October 2023.
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
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24 [REDACTED]
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18 12. Fifth, I understand that Plaintiff suggests “[i]mplementing credential vaulting for
19 manually held AWS access keys and passwords.” Motion at 16. I assume that “AWS access keys
20 and passwords” refers to the AWS access key ID and secret key, which together are referred to
21 herein as “AWS access keys.” This control is unnecessary as it would not improve Zoosk’s current
22 security posture or result in better protection of class members’ PII. [REDACTED]

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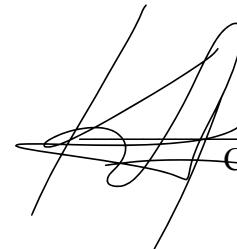
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1 13. Sixth, I understand that Plaintiff suggests “[i]mplementing Column level database
2 encryption for PII.” Motion at 16. However, such encryption cannot be implemented without
3 significantly diminishing the operability of the databases. [REDACTED]

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15 14. Seventh, I understand that Plaintiff suggests “[r]equiring secure coding training for
16 Zoosk employees.” Motion at 16. This control is already in place. [REDACTED]

1 15. Finally, I understand that Plaintiff suggests “[s]canning all instances for evidence of
2 stored keys including software repositories, GitHub, etc. on a regular, recurring basis.” Motion at
3 16. [REDACTED]

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11 I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th
12 day of June 2022, at Oranienburg, Germany.

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17 CONSTANTIN GARCEV
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**EXHIBIT A
FILED
UNDER
SEAL**